

REMARKS

1. Amendments.

Claims 6 and 12 have been canceled. Claims 1, 7, 8 and 13-16 have been amended to more clearly set forth the invention.

2. Rejections under 35 U.S.C. §112.

Claims 1-13 were rejected under 35 U.S.C. §112 as being based on a non-enabling disclosure. More particularly, it was asserted that an essential feature, namely the illumination of the halo section, was not included in the claims and not enabled by the disclosure. Independent claims 1 and 8 have been amended to more clearly set forth the halo section feature, including its use with a light source capable of providing the illumination of the halo section. However, Applicant respectfully disagrees with the assertion that the illumination of the halo section is not enabled by the disclosure.

Referring first to paragraph 2 of the present application, it is common practice in the art of operator controls and displays to use backlighting to provide a function indicator. One example of this practice involves positioning a light behind an opaque actuator body and allowing the light to travel through a translucent indicator portion located on the opaque actuator body, thereby illuminating the indicator portion. Referring now to paragraph 20 of the present application, the halo section of the present invention is created on the lower portion of the translucent base by ending the opaque over mold just above the lower portion of the translucent base. This translucent halo portion is illuminated by allowing light to emit from behind or below the indicator knob when the knob is backlit.

Presented with the specification of the present invention, particularly paragraphs 2 and 20, Applicant believes that any person having general knowledge in the art of operator controls and displays understands from Applicant's disclosure how to illuminate the halo section of the present indicator knob assembly. Accordingly, Applicant believes that the specification fully, clearly and concisely describes the invention so as to enable any person skilled in the art to make or use the indicator knob assembly as required by 35 U.S.C. §112. Therefore, Applicant respectfully requests that the rejection of claims 1-5, 7-11 and 13 under Section 112 be withdrawn.

Claims 6 and 12 were rejected under 35 U.S.C. §112 as containing subject matter not described in the specification. Claims 6 and 12 have been canceled, thereby removing the basis of this rejection.

3. Claim Rejections Under 35 U.S.C. §102.

Claims 1, 2, 7, 8 and 13-16 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,583,151 to Nagel. Applicant respectfully disagrees. Nagel discloses in its FIGS. 1-2 an illuminated display comprising a cylindrical translucent sleeve 14 including a threaded outer surface. A translucent operator display 10 is threadedly attached to translucent sleeve 14. A front plate 17 is mounted on the front of translucent sleeve 14 and defines prisms for dispersing the light passing therethrough. Light passes through both sleeve 14 and operator display 10, and is refracted along the pathways shown in FIG. 5.

The Office Action asserts that operator display 10 of Nagel corresponds to the opaque over mold element of claims 1, 2, 7, 8, and 13-16. However, as disclosed in Nagel, operator display 10 is not opaque, but rather is made of a transparent material having a relatively high index of refraction. See Nagel, Col. 4, l. 37-39. Such transparency of operator display 10 is necessary in order to refract and transmit light along the pathways shown in FIG. 5, which extend through flange portion 19 and cylindrical portion 12 of display 10. See Nagel, Col. 4, l. 54 - Col. 6, l. 48. Consequently, transparent operator display 10 can not be considered an opaque over mold. Nagel does not disclose an opaque over mold covering a portion of the outer surface of the translucent base.

Claims 1-16 of the present invention call for a translucent halo section, which is defined in the lower portion of the base and which is therefore capable of emitting light from a light source. In contrast, as shown in FIG. 5 of Nagel and discussed above, light is emitted from the top of display 10, not from the lower portion of sleeve 14. Therefore, Nagel does not disclose, teach or suggest the halo section of claims 1-16.

In addition, Nagel does not include an appliqué element mounted on the translucent base. The Office Action asserts that the front plate 17 of Nagel corresponds to the appliqué element, while the translucent sleeve 14 of Nagel corresponds to the translucent base. However, plate 17 of Nagel is mounted only to operator display 10, not to front plate 17.

Furthermore, claims 2 and 8 require that the appliqué element not only be mounted to the translucent base, but that it also extend to cover the halo section, which is defined in the lower portion of the base. As shown in FIGS. 1 and 2 of Nagel, plate 17 does not extend to cover the lower portion of the translucent sleeve and, in fact, does not cover any portion of the sleeve.

Claims 7 and 13 require a mounting panel, adjacent to which is positioned the halo section or lower portion of the translucent base. According to claims 7 and 13, the halo section illuminates at least a portion of the mounting panel when it emits light from the light source. Nagel does not disclose a mounting panel, nor does it disclose that a halo section in the lower portion of the sleeve can illuminate a portion of a mounting panel. Again, as shown in FIG. 5 of Nagel, the light emitted from the illuminated display is emitted from the top surface of the display, not from the lower portion of the base. Such light would not likely be effective in illuminating a mounting panel positioned near the lower portion of the base as claimed in claims 7 and 13.

In light of the arguments made above, Applicant believes that the claims of the present application are patentable over Nagel. Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 7, 8 and 13-16 under 35 U.S.C. §102 be withdrawn.

4. Claim Rejections Under 35 U.S.C. §103.

Claims 3-5 and 9-11 were rejected 35 U.S.C. § 103(a) as being unpatentable over Nagel in view of the prior art. More specifically, it was concluded that Nagel discloses all of the features of claims 3-5 and 9-11 except the opaque over mold including a soft touch surface and the appliqué element including a daytime and lowlight screening. For the reasons stated above with respect to the Section 102 rejections, Applicant believes that Nagel fails to teach, suggest or disclose several limitations of claims 1-16, in addition to the soft touch surface and daytime/lowlight screening. Accordingly, Applicant believes that claims 3-5 and 9-11 are patentable over the combination of Nagel and the prior art and, therefore, respectfully requests that the rejections under Section 103 be withdrawn.

CONCLUSION

Applicant believes that the application, as amended, is now in allowable form and action toward that end is respectfully requested. If any issues remain that can be resolved by telephone, Examiner Courson is invited to call the undersigned attorney at (317) 237-0300.

In the event that Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

Respectfully Submitted,

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